

FILED
IN CLERKS OFFICE

2004 JAN 20 P 3:13

DISTRICT COURT
DISTRICT OF MASS.

Plaintiff, on behalf of others
similarly situated,

Case No. 04-10033-REK

Plaintiff,

v.

ANGELA LABRACK and / MARY MATTHEWS L.

CLASS ACTION

Defendants.

I. This action arises under the U.S. Constitution, particularly under the provisions of the Fourteenth Amendment, and under Federal law, and particularly under Title 42, United States Code, Section 1983. This Court has jurisdiction of this case under Title 28, United States Code, Section 1343.

II. The cause of action of Plaintiff is based on the Federal Rules of Civil procedure, as well as the Plaintiff's and on behalf of all other persons similarly situated, who are either now in the Protective Custody Unit, or

as hereinafter Set Forth, are Typical of The claims of all of the members of The class; plaintiffs are qualified to and will fairly and adequately protect the interest of each and all of the members of The class.

III. Plaintiffs are Citizens of The United States and are Inmates at The Suffolk House of Correction, County of Suffolk, State of Massachusetts.

IV. Defendants now is, and at all times material hereto was, The duly appointed Sheriff and acting deputy Superintendent of The Suffolk House of Correction.

V. Each and all of The acts of Defendants under The color and pretense of The statutes, regulations, customs, and usages of The State of Massachusetts and under The authority of The Sheriff Office as Deputy Superintendent.

VI. Defendants have promulgated, in her Capacity as The Sheriff and Deputy Superintendent, Certain rules and regulations relating to the access of prisoners to the Law Library. Such rules and regulations limit the access to books, and legal materials.

VII. In addition, prisoners are allowed the use of The

To avoid the dangers to perpetration of the legal system, the court has found that the appropriate legal remedy in Second Amendment is incorporation of the 2nd Amendment into the Bill of Rights type of remedy.

IX. Defendant's conduct has deprived plaintiff of the right to due process and equal protection under the law. The defendant's conduct has deprived plaintiff of the right to due process and equal protection under the law.

X. Because of the defendant's conduct, the plaintiff has been deprived of the right to due process and equal protection under the law. The defendant's conduct has deprived plaintiff of the right to due process and equal protection under the law.

Therefore, Plaintiff's claims are dismissed.

1. According to the plaintiff's complaint, the defendant has been deprived of the right to due process and equal protection under the law. The defendant's conduct has deprived plaintiff of the right to due process and equal protection under the law.

2. According to the plaintiff's complaint, the defendant has been deprived of the right to due process and equal protection under the law. The defendant's conduct has deprived plaintiff of the right to due process and equal protection under the law.

FILED
CLERKS OFFICE

2004 JAN 20 P 3:14

DISTRICT COURT
DISTRICT OF MASS.

CASE 04-10033-REK

DOMEN ERYEN, A MASSACHUSETTS HOUSE
OF CORRECTION INMATE AT THE SOUTH BAY
HOUSE OF CORRECTION,

PLAINTIFF,

V.

ANGELA LABRAWL, MARLE LORRENT,
MARVELLEN MASTERBILLY,

DEFENDANT,

PLAINTIFF

JURY TOTAL DEMAND

This is a civil rights action filed by Domen Eryen, a House
of Correction Inmate, for damages and injunctive relief under
42 U.S.C. § 1983, alleging Failure To The Court, Association with
in violation of The Eighth Amendment to the United States
Constitution and Deprivation of Prisoner's Inalienable Rights.
The process of The Fourteenth Amendment To The
Constitution. The plaintiff also alleges the loss of a
a battery and negligence.

PARTIES

3. The plaintiff PP, Darin Zeng, is incarcerated at The South Bay House of Correction (S.H.C.) during the events described in this Complaint.

4. Defendant Andrea C. Brown, is The Sheriff of The South Bay House of Correction in charge of overseeing the personnel and Administrative staff level. She is sued in her individual and official capacities.

5. Defendant Maria Lockhart, is The Deputy of operation at The Suffolk County House of Correction (S.C.H.C.) and is generally responsible for ensuring the care and safety of all inmates and staff personnel level. She is sued in her individual and official capacities.

6. Defendant Mary Ellen Mastromilli, is The Deputy Superintendent of The Suffolk House of Correction (S.H.C.) and is in charge of the supervision and discipline of all Correctional staff at said facility. She is sued in her individual and official capacities.

7. All The Defendants have acted, and continue to act, under COLOR OF STATE LAW at all times relevant to this Complaint.

END

9. The plaintiff then related to us the hospital unit due to the lack of ¹ Correctional Supervision and presence of inmates that was and would be in the presence of the plaintiff, and that such a group of ² "prisoners" and inmates in general population would jeopardize the plaintiff's well being.

10. The Plaintiff's son, being taken by the unit officer into
hall, knew he had no option to refuse an medical appointment
and had to need to sign an medical form to receive them upon
his arrival in the hospital unit. Plaintiff contended,
that was there forced with punitive disciplinary action if plaintiff
didn't comply.

14. The plaintiff then was advised that by a Court Order dated
15. the 1st day of April, 1964, the defendant was ordered to submit to
16. a blood test for the purpose of determining paternity of the child.
17. and that the plaintiff was to be present at the time of the blood
18. test. The plaintiff then appeared at the time and place and a blood
19. test was performed. The defendant then refused to submit to
20. a blood test for the purpose of determining paternity of the child.

12. The probability of occurrence of the two mutually exclusive events in the presence of P (here, P = presence of heavy metal) in general population and when the value of P is zero, is denoted by P_{10} and P_{00} respectively. Since the presence of P does not affect the probability of occurrence of P (here, P = presence of heavy metal) in general population, we have

14. In particular, while Correctional staff were responsible for overseeing the plaintiff's safety, it was recognized during the plaintiff's incarceration in another section of the Jail, subjecting plaintiff to events of verbal abuse, verbal assaults and threats of physical violence by inmates were included in general population of Jailer Bunker.

15. Plaintiff then referred to no unit 10, 11, and 12, and experienced an Institutional Grievance addressed to the Sheriff's office. Plaintiff, complaining of the lack of staff overseeing the five custody inmates to the hospital unit and then leaving said inmates alone in the presence of other inmates who included in general population.

16. The plaintiff has on a daily basis been speaking to several Deputy Superintendents in attempts to bring an end to such a dangerous situation and that result in tragedy by an inmate sustaining serious injuries and that inmates have been forced to undertake such actions for sometime now.

17. On December 3, 2003, the protective custody unit was locked down due to compliance with the institutional elevators, in which a 45 such time, all inmates were and continue to be locked down and deprived of showers, telephone calls, access to the law library and educational programs and

19. Defendant's efforts to cause Plaintiff to leave the country have been frustrated by Plaintiff's refusal to leave the country. Defendant has been frustrated in an attempt to cause Plaintiff to leave the country.

20. The plaintiff claims that a person, claiming to be a member of the party that was allegedly defamed, has been defamed by the defendant's present medical care. The defendant has caused a deprivation of the plaintiff's medical care and has caused a deprivation of the plaintiff's medical care.

End of Complaint

Claim for Relief

21. The plaintiff claims that the defendant has caused a deprivation of the plaintiff's medical care and has caused a deprivation of the plaintiff's medical care. The plaintiff claims that the defendant has caused a deprivation of the plaintiff's medical care and has caused a deprivation of the plaintiff's medical care.

22. The plaintiff claims that the defendant has caused a deprivation of the plaintiff's medical care and has caused a deprivation of the plaintiff's medical care. The plaintiff claims that the defendant has caused a deprivation of the plaintiff's medical care and has caused a deprivation of the plaintiff's medical care.

24. Plaintiff seeks an order compelling Defendant to provide Plaintiff with access to the Law Library, access to legal materials, and an adequate legal assistance, violated the Due process clause, the equal protection clause, the First Amendment, and the privileges and immunities clause of Article I of the Constitution.

25. The failure of Defendant to provide Plaintiff with access to the Law Library, access to legal materials, and an adequate legal assistance, violated the Due process clause, the equal protection clause, the First Amendment, and the privileges and immunities clause of Article I of the Constitution.

Relief Requested

Wherefore, Plaintiff requests that the Court grant the following relief:

1. If the necessary Defendant's failure to provide Plaintiff with access to the Law Library, access to legal materials, and an adequate legal assistance, violated the Due process clause, the equal protection clause, the First Amendment, and the privileges and immunities clause of Article I of the Constitution.

2. Defendant's failure to provide adequate access to courts and exercise and freedom from violence, to

1. Plaintiff has not been harmed by Defendant's conduct, Defendant's and Plaintiff's or their agents' act.

1. Plaintiff. The plaintiff has not been harmed by Defendant's and Plaintiff's or their agents' act.

2. Plaintiff's attorney has not been harmed by Defendant's and Plaintiff's or their agents' act.

3. Plaintiff's attorney has not been harmed by Defendant's and Plaintiff's or their agents' act.

4. Plaintiff's attorney has not been harmed by Defendant's and Plaintiff's or their agents' act.

5. Plaintiff's attorney has not been harmed by Defendant's and Plaintiff's or their agents' act.

6. Plaintiff's attorney has not been harmed by Defendant's and Plaintiff's or their agents' act.

as being such person as it is in my power to
procure is entitled.

Respectfully Submitted,
Mr. Daniel Levin (Back)
Mr. Daniel Levin, Plaintiff
201 Burlington St.
Boston, Mass. 02117

Date: 12-20-03